

ORDINANCE NO. 1097 - 2017

AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, AMENDING SECTION 150-034 OF THE CITY'S CODE OF ORDINANCES AND RENAMING SAME FROM "INSTALLATION OF CENTRAL AIR CONDITIONING AND HEATING UNITS, POOL PUMPS AND EQUIPMENT AND SPRINKLER PUMPS AND EQUIPMENT" TO "INSTALLATION OF MECHANICAL EQUIPMENT;" PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Miami Springs (the "City") seeks to maintain an orderly and efficient land development code; and

WHEREAS, the City wishes to amend Section 150-034, "Installation of central air conditioning and heating units, pool pumps and equipment and sprinkler pumps and equipment" of the City's Code of Ordinances (the "Code") by revising the title of said Section to "Installation of Mechanical Equipment," and amending the Section to specifically authorize the installation of mechanical equipment such as generators, fuel tanks, and other similar equipment in the side and rear yards of residential properties; and

WHEREAS, the City Council hereby finds that the adoption of this Ordinance is in the best interest and welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, THAT: ¹

Section 1. Recitals Adopted. That the above-stated recitals are hereby adopted and confirmed.

Section 2. Amending Section 150-034 of the City Code. That the Code of Miami Springs, Florida is hereby amended by revising Section 150-034 "Installation of central air conditioning and heating units, pool pumps and equipment and sprinkler pumps and equipment," which section shall read as follows:

~~Sec. 150-034. - Installation of central air conditioning and heating units, pool pumps and equipment and sprinkler pumps and~~ mechanical equipment.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with **yellow highlight**.

- (A) ~~Location property—New construction—installation.~~ Mechanical equipment, including but not limited to central air conditioning and heating units, pool pumps, and equipment and sprinkler pumps, generators, propane tanks and similar mechanical and equipment to be installed in conjunction with the construction of new residential structures may be located in the side and rear yards, area of the homesites or in the side yard areas of homesites. All side yard location areas shall also be required to be properly obscured and screened from view by the planting of appropriate landscaping materials or the installation of fences, walls, or other appropriate and approved screening materials. Nothing contained herein shall permit the location of any equipment or screening materials, except the planting of appropriate landscaping materials, within the required rear or side yard setback areas of the property. with a minimum setback of five feet. Mechanical equipment located in a corner side yard shall have a minimum set back of ten feet. The placement of mechanical equipment in the front yard is prohibited.
- (B) ~~Location property—Existing homesite installation.~~ The aforesaid provision shall not be applicable to central air conditioning and heating units, pool pumps and equipment and sprinkler pumps and mechanical equipment that are is being replaced for already existing residential structures, which may be installed in the same location as the equipment being replaced.
- (C) ~~Location on property—Exception.~~ Notwithstanding the foregoing, new residential structures which have a side yard that abuts a street, shall be permitted to install central air conditioning and heating units, pool pumps and equipment and sprinkler pumps and equipment in the side yard area abutting the street. However, all such equipment must be properly obscured and screened from view from the street and may not be located closer than ten feet from the side yard property line. Additionally, this provision shall be applicable to appropriate instances of reverse frontage homesites. Screening. All mechanical

equipment must be properly obscured and screened from view by the planting of appropriate landscaping materials or the installation of fences, walls, or other appropriate and approved screening materials.

(D) *Installation standards and requirements.* All ~~central air conditioning and heating units, pool pumps and equipment and sprinkler pumps and~~ Mechanical equipment shall only be installed in accordance with the rules, regulations and requirements of the City of Miami Springs, Miami-Dade County, and the Florida Building Code of the State of Florida.

(E) *Installation supervision and control.* The installation of ~~central air conditioning and heating units, pool pumps and equipment and sprinkler pumps and~~ mechanical equipment on residential homesites within the City shall be supervised and controlled by the City Building Department.

Section 3. **Conflict.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. **Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Inclusion in Code.** That it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 6. **Effective Date.** That this Ordinance shall become effective immediately upon adoption on second reading.

PASSED ON FIRST READING this 23rd day of October, 2017, on a motion made by Vice Mayor Mitchell and seconded by Councilman Petralanda.

PASSED AND ADOPTED ON SECOND READING this 13 day of November, 2017, on a motion made by Councilman Best and seconded by Councilman Petralanda.

Vice Mayor Maria Puente Mitchell	<u>YES</u>
Councilwoman Bob Best	<u>NO</u>
Councilwoman Mara Zapata	<u>YES</u>
Councilman Jaime Petralanda	<u>YES</u>
Mayor Billy Bain	<u>YES</u>



BILLY BAIN, MAYOR

ATTEST:



ERIKA GONZALEZ-SANTAMARIA, MMS
CITY CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:



WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.
CITY ATTORNEY